

PART 2045 - GENERAL

SUBPART Z - ACTION PLANS FOR PROGRESS IN EQUAL EMPLOYMENT OPPORTUNITY (EEO)

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SUBPART Z - ACTION PLANS FOR PROGRESS IN EQUAL EMPLOYMENT OPPORTUNITY (EEO)

§ 2045.1251 General.

It is the policy of the Federal Government, including the United States Department of Agriculture (USDA) and Rural Development, to provide equal opportunity in employment for all persons; to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, or disability; and to promote Equal Employment Opportunity (EEO) through a positive continuing program.

§ 2045.1252 Purpose.

This Instruction provides guidance for the development, implementation, and submission, of Multi-Year Affirmative Employment Program (AEP) Plans, Annual AEP Accomplishment Reports and Updates, and Federal Equal Opportunity Recruitment Program (FEORP) Plans as required by the U. S. Equal Employment Opportunity Commission (EEOC) and the USDA. The plans and programs required under this Instruction are designated "AEP" and "FEORP."

§ 2045.1253 EEO policy

It is the policy of the United States Department of Agriculture to prohibit discrimination and to ensure equal employment opportunity for all employees and applicants without regard to race, color, religion, sex, national origin, age, or disability. In furtherance of this policy, it is the responsibility of the Agency to assure that the manifest imbalance and conspicuous absence of minorities and women in the agency's work force are addressed through an effective and ongoing program of affirmative employment and that minorities and women have the opportunity to achieve the best possible utilization of their skills.

§ 2045.1254 Designation of responsibility.

(a) Director of EEO. The Secretary of Agriculture has designated the Assistant Secretary for Administration, USDA, as Director of EEO, with authorization to carry out effectively the responsibilities of Section 717 of Title VII of the Civil Rights Act of 1964, as amended.

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(b) EEO Officer. The Head of each Agency is designated as EEO Officer with the responsibility of effectively administering the EEO Program, which includes affirmative action, equal opportunity in recruitment, the Special Emphasis Programs (SEPs), and the Complaints of Discrimination Program.

(c) Director, Civil Rights Staff (CRS). The Director, CRS, is responsible for developing and implementing Rural Development policies and practices, administering activities under the EEO Program, and represents the Under Secretary on all aspects of the EEO Program by providing leadership and direct assistance to Rural Development officials. Further, the Director, CRS, is charged with overseeing the planning and implementation of a positive program designed to assure equal opportunities in all organizations in Rural Development.

(d) Deputy EEO Officer. The following officials are hereby designated as Deputy EEO Officers in Rural Development.

(1) The State Directors of Rural Development and Senior Officials in St. Louis are designated as Deputy EEO Officers and will assist each Rural Development Agency Administrator in carrying out his/her functions as EEO Officer within their assigned area(s).

(2) Responsibility for implementation of the EEO program rests solely with Deputy EEO Officers within their assigned area(s). Deputy EEO Officers are responsible for evaluating the performance of the EEO duties of EEO collateral duty employees and for assuring that these employees receive appropriate support; i.e., training, official time, and mobility deemed necessary for effective performance of the duties of their official EEO assignment.

§ 2045.1255 Definitions.

AEP Plan. A formal written plan of management objectives designed to improve the participation of minorities and women in all categories of employment. The Plan includes goals and timetables designed to improve the representation of women and minorities in specific occupations or grade levels. It is an interim management tool for correcting imbalances in the work force which ensures equal employment opportunity within the parameters of merit principles.

Civil Labor Force (CLF). All persons 16 years of age and over, except those in the armed forces, who are employed or who are unemployed and seeking work. The source of the CLF data for the purpose of AEP and FEORP planning is the EEOC.

§ 2045.1255 (Cont.)

Conspicuous absence. A situation in which the representation of EEO groups in a specific occupational category or grade level is nearly or totally nonexistent in the work force.

EEO group. Those EEO groups classified as "minority" for the purpose of data collection by the Office of Personnel Management and the EEOC, i.e., Black, not of Hispanic origin; Hispanic; Asian or Pacific Islander; and American Indian or Alaskan Native. The term "women" includes non-minority as well as minority.

FEORP. A program for agencies to determine if minorities and women are underrepresented and/or under-utilized in the agency work force. Where manifest imbalance and conspicuous absence exist, the implementation of a formal recruitment plan is required with specific objectives to ensure increased availability of women and minorities.

Fiscal Year. Reporting period from October 1 of one year to September 30 of the following year.

Manifest imbalance. A situation in which the representation of EEO groups in a specific occupational category or grade level in the work force is below its representation in the appropriate CLF.

Office. An office is an operating unit of an agency which, because of its unique organizational structure, is treated as a separate entity for the purpose of determining manifest imbalance and conspicuous absence and for preparing AEP and FEORP Plans. In the Rural Development, offices are the States, St. Louis, MO and National Office.

§ 2045.1256 Availability of regulations.

This Instruction and Exhibits A, B, C, and D are available for inspection in any Rural Development Office. Copies of this Instruction and all Exhibits will be given to any employee or applicant for employment on request.

§§ 2045.1257 - 2045.1300 [Reserved]

Attachments: Exhibits A, B, C, and D

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Affirmative Employment Program Plans

A. Purpose and scope. The purpose of this Exhibit is to define affirmative action planning in Rural Development and to provide guidelines and instructions to field managers (State Directors; Senior Officials in St. Louis; and other employees with supervisory and/or managerial responsibilities) with regard to affirmative action planning.

B. Legal authority. Requirements for Federal Agency AEPs were first established by Executive Order 11478 in 1969. In the 1972 amendments of Title VII of the Civil Rights Act of 1964 (Section 717, 42 USC 2000-e 16), Congress required Agencies to maintain affirmative action programs to ensure enforcement of the Federal EEO policy.

C. Rural Development. It is the responsibility of each Rural Development (RD) Agency to assure that the manifest imbalance and conspicuous absence of minorities and women in each Agency's Work force are addressed through an effective and ongoing program of affirmative employment and that minorities and women have the opportunity to achieve the best possible utilization of their skills. In addition, every effort will be made to give minorities and women the opportunity to avail themselves of any and all existing programs which lead to initial employment, advancement and the realization of their fullest potential in each Agency.

D. Multi-Year AEP Plan. These instructions are to be used by all Rural Development offices in the preparation of AEPs. Requirements for preparation include:

(1) Cover sheet. Cover sheet should be signed by the Agency Administrator, or State Director.

(2) EEO Policy Statement. Statement should be signed by the Agency Administrator, or State Director and include affirmation that:

(a) EEO for all employees and applicants for employment, regardless of their race, religion, color, sex, national origin, age, or disability is an integral part of Agency policy.

(b) EEO policy requires AEP efforts throughout the Agency to overcome past employment practices that have operated to restrict opportunities for employment.

(c) EEO covers all employment practices including, but not limited to, recruitment, hiring, promotion, transfer, complaint resolution, reassignments, training, benefits, and separations.

(d) Managers, supervisors, EEO Officers, State Administrative Officers, and personnel lists share responsibility for successful implementation of the AEP. Performance appraisals of these employees should include an element based on meeting EEO objectives.

(3) Delegations of authority. This section of the plan identifies the responsibilities and authorities of AEP officials.

(4) Organizational chart. Chart should identify major subordinate organizations (State, Area, and Local Offices) reporting to the office developing the plan.

(5) Certification of qualifications of EEO officials. The certification should be signed by the Agency Administrator, or State Director.

(6) Plan for prevention of sexual harassment. Plan should respond to the following questions:

(a) Does the plan outline specific steps to apprise employees of their rights under Title VII?

(b) Are there proposed guidelines on dissemination of information and timeframes for implementation?

(c) Is an accountability system in place?

(d) Are there any progressive initiatives outlined to accomplish program objectives?

(7) Statement of adequate monitoring/evaluation system. States should submit a narrative describing their monitoring and evaluation system. Internal monitoring and evaluation systems should include:

(a) Information systems that will provide periodic status reports on work force profile and affirmative employment efforts.

(b) Capability to monitor employment trends through review of personnel transaction and other historical data.

(c) Integration of barrier analyses; elimination of impediments; innovative staffing techniques; and concomitant.

(d) Capability to integrate comprehensive management and personnel and budget planning with affirmative employment planning.

(e) Capability to review proposed personnel actions which affect categories where objectives have been established.

(8) Program analysis. The analysis should include a complete assessment of how efforts are directed toward the eight major program elements which are listed in this paragraph.

(a) Organization and resources

1. Are the EEO program officials receiving adequate training in EEO, personnel administration, and management to effectively resolve problems and issues within their areas of responsibility?
2. Are adequate management and fiscal controls established to monitor all resources allocated to the EEO program?
3. Do special emphasis program managers devote sufficient time to accomplish program objectives? Do these managers have adequate delegations of authority to promote programs and to accomplish program objectives?
4. Are EEO officials providing technical advice to management officials and the Human Resources office?
5. Have supervisory and management personnel attended formal training including coverage of their EEO responsibilities?
6. Has the incentive awards system been used to recognize supervisory and managerial personnel for their understanding and support of, and accomplishments in EEO?
7. Do performance evaluations of supervisory and managerial personnel include specific factors for evaluating their understanding and support of EEO as well as their achievement of EEO objectives?

(b) Work force analysis

1. Analysis of the work force by Professional Administrative, Technical, Clerical and Other (PATCO) category, major job series, and individual grade levels or grade distribution summary by race, sex, and national origin.
2. Comparison of the work force with the previous year's work force.
3. Comparison of the work force with the Civilian Labor Force. See Exhibit D of this instruction for examples.

(c) Discrimination complaints. Does an analysis of the bases, issues, and findings of recent complaints suggest possible problem areas that may need to be explored?

(d) Recruitment and hiring

1. Do present recruitment sources yield qualified minority and female applicants who meet organizational needs?
2. Have qualification requirements and procedures for hiring been examined to determine whether barriers to EEO exist?
3. Do EEO officials provide technical assistance to the Human Resources office and monitor, as well as participate in, recruitment efforts?
4. Is the selection process reviewed periodically to ensure equal treatment regardless of race, color, religion, sex, national origin, age, or disability?
5. Does management make itself available to community, civic, and other groups interested in enhancing EEO?
6. Does management utilize recruitment initiatives such as the Cooperative Education and/or Student Trainee Programs to find qualified minority and female job applicants?

(e) Employee development programs

1. Are systems for tracking information on employee skills and training in operation?
2. Have studies been conducted on time-in-grade to determine the reasons for any differentials which may exist by minority status and sex?
3. Have studies been conducted to examine relative upward movement of employees to full performance, professional, supervisory, and highest grade levels?
4. Is career counseling available to all employees?
5. Are efforts being made to ensure that appropriate training opportunities are available to employees at all grade levels and in all occupational areas, without regard to minority status and sex?

(f) Promotions

1. Are internal selection and promotion qualification requirements and procedures valid and job-related, and include no unnecessary barriers to full utilization of skills and training?
2. Are efforts being made to ensure that appropriate promotional opportunities are available to employees at all grade levels and in all occupational areas, regardless of minority status and sex?

(g) Separations. Are efforts made to ensure that separations are conducted fairly and in a nondiscriminatory manner?

(h) Program evaluation

1. Do EEO Advisory Committees (EEOAC) consult with management officials to ensure that each provides input to EEO program evaluation?
2. Are findings from Management Control Reviews implemented?

(9) Problem and barrier identification. For each program element, identify problems and barriers for each EEO group.

1. Select problems and barriers within your control.
2. Select problems and barriers that can be eliminated within a multi-year cycle.
3. Select problems and barriers affecting PATCO categories and major occupations and identify specific actions to eliminate each problem and barrier.

(10) Report of objective and action items. For each program element, prepare a statement of specific and measurable objectives and supporting action items which will solve problems and barriers identified.

1. Assign a responsible official for each objective/action item listed.
2. Assign a target date for completing each objective and action item listed.

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Annual Affirmative Employment Program Plan
Accomplishment Report and Update

A. Purpose and scope. The purpose of this Exhibit is to provide guidelines for affirmative action plan updates.

B. Legal authority. Management Directive 714 (EEO-MD-714), Instructions for development, submission and implementation of Equal Employment Opportunity (EEO) and Affirmative Employment Program (AEP) Plans required by Section 717 of Title VII of the Civil Rights Act of 1964, as amended, and any such variances herein from the notice, or the U. S. Equal Employment Opportunity Commission's (EEOC) Management Directive 714, have been approved by the Department's Office of Civil Rights Enforcement (OCRE).

C. Annual Affirmative Employment Program (AEP) accomplishment report and update. These instructions are to be used by all Rural Development offices in the preparation of Annual AEP Accomplishment Report and Update. The AEP Accomplishment Report and Update will extend through one fiscal year. Completed plans are to be submitted to the EEOC and the Civil Rights Staff (CRS) in the National Office, Attention: Deputy Director, CRS. Each Fiscal Year (FY), CRS will send a memorandum with a due date for submitting your report and update. States will obtain state census data and current workforce statistics to prepare your report and update.

D. Requirements for preparation.

(1) Cover sheet. Cover sheet should be signed by the Agency Administrator, or Deputy EEO Officer.

(2) Summary analysis of work force. A narrative work force analysis using the Civilian Labor Force (CLF) should be provided. Analyze work force by Professional, Administrative, Technical, Clerical, and Other (PATCO) category, major job series, and individual grade levels or grade distribution summary by race, sex, and national origin.

(3) Accomplishment report on objectives and action items. For each program element, prepare a statement which reflects the progress toward achieving objectives and action items that were identified in AEP Plans.

(4) Noteworthy activities and initiatives. Prepare a statement of any noteworthy activities or initiatives implemented during the fiscal year.

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Federal Equal Opportunity Recruitment
Program (FEORP) Plan

A. Purpose and scope. The purpose of this Exhibit is to define the Federal Equal Opportunity Recruitment Program (FEORP) in Rural Development and provide guidelines and instructions to field managers (State Directors; Senior Officials in St. Louis; and other employees with supervisory and/or managerial responsibilities) with regard to recruitment plans.

B. Legal authority: The Civil Service Reform Act of 1978, (Title 5 of the United States Code, Section 7201 (b)). This legislation directed the U. S. Equal Employment Opportunity Commission (EEOC) to develop guidelines for a special recruitment program, designated the FEORP. The statutory authority requires that agencies conduct affirmative recruitment for those occupations and grades within their work force in which there is a manifest imbalance and conspicuous absence of minorities and women. The guidelines do not include coverage of disabled and older persons. The guidelines do include white females, black males and females, Hispanic males and females, Asian males and females, and American Indian males and females.

C. Equal Employment Opportunity (EEO) policy. It is the policy of Rural Development to prohibit discrimination and to ensure equal employment opportunity for all employees and applicants without regard to race, color, religion, sex, national origin, age or disability.

D. Essentials of the FEORP Plan. FEORP is aimed at eliminating manifest imbalance and conspicuous absence of minorities and women in Federal Agencies through the application of internal and external recruitment strategies which include activities normally identified with training, employee development, job redesign, staffing, and other personnel management functions and actions. The concept of FEORP rests on the belief that Federal Agencies have not in the past targeted their recruitment of minorities and women based on their availability in the Civilian Labor Force (CLF) in similar occupational categories. Agencies are now required to conduct affirmative recruitment for those occupations and grade levels within their work force in which there is manifest imbalance and conspicuous absence of minorities and women. The implementation of FEORP plans should, therefore, result in more representative applicant pools from which to select employees. In this respect, the objective of the Federal Government is to attain a Federal work force reflective of the Nation's diversity. The minority groups whose employment levels must be catalogued include white women, black men, black women, Hispanic men, Hispanic women, Asian or Pacific Islander men, Asian or Pacific Islander women, American Indian or Alaskan Native men, and American Indian or Alaskan Native women where there is manifest imbalance or conspicuous absence.

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E. FEORP Plan. The National Office Civil Rights Staff (CRS) will send any new requirements to all Rural Development Offices in October. The FEORP Plan will extend through one fiscal year. Completed plans are to be submitted to the CRS in the National Office in January.

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Calculating Underrepresentation and Setting Numerical Objectives

A. The Setting of numerical objective (goals) is an essential part of affirmative employment planning. Goals are established in Multi-Year Affirmative Employment Program (AEP) Plans and continue in AEP Accomplishment Reports until there is no manifest imbalance and conspicuous absence of Equal Employment Opportunity groups.

B. Calculating underrepresentation. To determine the degree of representation of EEO groups, divide the percent representation of the minority group or women in the work force in a Professional, Administrative, Technical, Clerical, and Other (PATCO) category/occupational series/grade level by the percent representation of the same minority group or women in the Civilian Labor Force (CLF) in the PATCO category and multiply by 100. The result is the underrepresentation index or U. I.

If the U. I. is 0 to 10, there is a conspicuous absence or severe underrepresentation of the minority group or women. If the U. I. is 11 to 99, there is a manifest imbalance of the minority group or women. A U. I. of 100 is parity in the work force.

Example: Black females in administrative occupations in Tennessee

Total number of employees in the administrative work force in Tennessee
(from National Finance Center (NFC) Departmental Notice (DN) 714

121

Total number of black females in administrative work force in Tennessee
(from NFC DN 714)

0

Percent black females in administrative work force in Tennessee (from
NFC DN 714)

0.0

Percent black females in the administrative CLF (from 1980 Census Data
Report of Tennessee)

4.6

$$\frac{0.0}{4.6} = 0 \times 100 = \underline{\text{U.I. of 0}}$$

There is a conspicuous absence of black females in administrative occupations in Tennessee.

To reach parity for underrepresented EEO groups, numerical objectives must be established.

C. Setting numerical objectives. To determine how many of an EEO group is needed for parity, take the total number in the PATCO category/occupational series/grade level and multiply that number by the CLF percent of the EEO group in question. Then subtract the number of the current onboard strength total of the EEO group in question. The result is the number needed for parity. The number needed for parity does not have to be the numerical objective you set for any particular year of the AEP or Federal Equal Opportunity Recruitment Program (FEORP) planning purpose, but should be your numerical objective for the multi-year period covered by the AEP plan.

Example: Black females

Total number of employees in the administrative work force in Tennessee

121

Percent black females in administrative CLF

$$121 \times 4.6 = 5.5$$

Onboard strength of black females

0

$$5.5 - 0 = \text{Numerical goal of 5}$$

NOTE: The CLF data on NFC DN 714 is nationwide, but States and the Finance Office should use State CLF data in determining manifest imbalance and conspicuous absence, and for setting numerical objectives.

Additional Example: Asian males in administrative occupations in California

Total number of employees in administrative work force in California
(from NFC DN 714)

Total number of Asian males in administrative work force in California
(from NFC DN 714)

2

Percent Asian males in administrative work force in California

2.7

Percent of Asian males in administrative CLF (from 1980 Census Data
Report of California)

5.9

$$\frac{2.7}{5.9} = 0.45 \quad \times \quad 100 = \text{U.I. of 45}$$

There is a manifest imbalance of Asian males in administrative occupations in California.

Example: Asian males

Total number of employees in the administrative occupations in
California

74

Percent Asian males in administrative CLF

$$74 \times \frac{5.9}{5.9} = 4.3$$

Onboard strength of Asian males

$$4 - 2 = \text{numerical goal of 2}$$

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